**THE HON'BLE MR JUSTICE RAMESH RANGANATHAN**

**WRIT PETITION No. 24134 of 2000**

**Date 13.09.2005**

Between:

Smt. A.Jayalakshmi, D/o. Rajaratnam,
High School Section, Narasaraopet,
Guntur District.

**..... PETITIONER**

AND

The Commissioner & Director of School Education, Andhra Pradesh,
Hyderabad & others.

**.....RESPONDENTS**

**THE HON'BLE MR JUSTICE RAMESH RANGANATHAN**

WRIT PETITION No. 24134 of 2000

O R D E R:

The action of the respondents in not considering the case of the petitioner for appointment to the post of Record Assistant in the 5th Respondent-school on the ground that she had crossed the age of 39 years, is challenged in this writ petition, as being arbitrary and in violation of Article 14 of the Constitution of India.

The facts in brief, to the extent necessary for this writ petition, are that the petitioner was appointed as Record Assistant in 5th Respondent-school on 01.07.1991. The 5th Respondent-school issued notification inviting applications for several posts including that of Record Assistant on 08.09.2000. The petitioner was among the candidates who had submitted their applications for appointment as Record Assistant. It is her grievance that her case has not been considered in terms of G.O.Ms.No.1, dated 01.01.1994, on the sole ground that she was over aged at the

time of her initial appointment.

Learned counsel for the petitioner places reliance on the judgments of this Court in **O.RAMA MOHAN REDDY Vs. SECRETARY, EDUCATION COMMITTEE** and **SMT.BONTHA SANTHA SUHASHINI Vs. THE COMMISSIONER AND DIRECTOR OF SCHOOL EDUCATION** (Judgment in W.P.No.611 of 2001, dated 08.01.2003), wherein it has been held that in the absence of any age limit being prescribed, it cannot be said that the person who had submitted his application is over aged. In the aforesaid two cases, since the employees had already been selected, this Court held that the case could not rejected on the ground that they had crossed the age of 36 years. It is not clear as to why the petitioner's case is not being considered in accordance with G.O.Ms.No.1, dated 01.01.1994. However, in view of the aforesaid judgments of this Court, the case of the petitioner cannot be rejected on the ground that she was over aged at the time of her initial appointment or on the date of submission of her application pursuant to the notification issued on 08.09.2000.

There shall be a direction to the respondents to consider the case of the petitioner for appointment to the post of Record Assistant in the 5th Respondent-school without insisting on compliance with the age limit prescribed.

The writ petition is accordingly disposed of. No order as to costs.

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13.09.2005

Note:CC in one week

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